

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HORTENCIA BENAVIDEZ,)	
)	No. CV-12-5031-CI
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION FOR REMAND PURSUANT
)	TO SENTENCE SIX OF 42 U.S.C.
MICHAEL J. ASTRUE,)	§ 405(g)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings, to include a new *de novo* hearing and additional proceedings. (ECF No. 10.) Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Mathew W. Pile represents Defendant. The parties have not consented to proceed before a magistrate judge.

Pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), the court may remand the case to the Commissioner for good cause shown before the filing of an answer. *See Melkonyan v. Sullivan*, 501 U.S. 89, 101 n.2 (1991). Here, good cause exists in that Defendant has not filed an answer and the portions of the recording of the prior administrative law judge (ALJ) hearing are inaudible and cannot be reviewed by the parties. Sentence six requires the Commissioner to return to the district court to "file with the court any such additional or modified findings of fact and decision, and a

1 transcript of the additional record and testimony upon which his
2 action in modifying or affirming was based." *Id.* at 98 (*quoting*
3 sentence six). Accordingly,

4 **IT IS ORDERED:**

5 1. The parties' stipulated Motion for Remand (**ECF No. 10**) is
6 **GRANTED.**

7 2. The case is remanded to the Commissioner for additional
8 proceedings pursuant to sentence six of 42 U.S.C. § 405(g). The
9 Commissioner shall conduct a *de novo* hearing and additional
10 proceedings as necessary, and issue a new decision.

11 3. The court shall maintain jurisdiction of this action. No
12 judgment shall be entered.

13 The District Court Executive is directed to enter this Order
14 and forward copies to counsel. The file shall remain open.

15 DATED June 21, 2012.

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17 S/ CYNTHIA IMBROGNO
18 UNITED STATES MAGISTRATE JUDGE
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